

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-34 are currently pending in this application. Claims 18, 20, and 34 have been canceled by this reply. Claims 1, 19, and 21 are independent. The remaining claims depend, directly or indirectly, from independent claims 1 and 21.

Drawings

Application respectfully requests the Examiner to indicate whether the drawings filed on July 24, 2001 are accepted.

Abstract

The Abstract is hereby amended and presented on a separate sheet according to the Examiner's suggestions. No new matter is added by way of the new Abstract. Accordingly, withdrawal of this objection is respectfully requested.

Objections

The Examiner has objected to the specification for minor informalities. In particular, the text of the specification on pages 11 and 13 is objected to for not including the reference numbers 3 and 5 in Figure 2. For clarification purposes, the specification has been amended to indicate that reference numerals 3 and 5 refer to elements in Figure 1 and not Figure 2. Accordingly, withdrawal of this objection is respectfully requested.

Claims 4, 6-8, 11-13, 15-17, 24, 28, 29, and 31-33 are objected to for being in improper form due to multiple dependent claims being dependent on other multiple dependent claims. The claims have been amended to remove multiple dependencies. Accordingly, withdrawal of this objection is respectfully requested.

Claim Amendments

Independent claims 1 and 21 have been amended to clarify the invention as recited. Specifically, the independent claims have been amended to recite that the medium access control (MAC) address is *dynamically assigned* to the decoder by the central transmission station, while the *IP address is fixed* and is used to identify the user for which the internet data is being fetched. That is, the central transmission station assigns a variable MAC address to the decoder in one of the encapsulated packets of data sent from the central transmission station to the decoder.

No new matter is added by way of these amendments. Support for these amendments may be found, for example, in original independent claim 19, and on pages 3 (lines 26-30) and 21-22 of the Specification.

Rejections under 35 U.S.C. § 112

Claims 18, 20, and 34 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 18, 20, and 34 have been canceled by this reply. Thus, this rejection is now moot with respect to claims 18, 20, and 34.

Rejections under 35 U.S.C. § 102

Claims 1-3, 12, 17, 21-23, 28, and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,987,518 (“Gotwald”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

The claimed invention relates to assigning addresses in a hybrid broadcast/telecommunication system that includes a central transmission station and a decoder that allows the broadcast system to include internet data. Particularly, because internet data is organized using the TCP/IP protocol and broadcast data is organized using an MPEG-2 transport stream, the present invention is directed toward the incorporation of internet format datagrams (*i.e.*, IP packets) in broadcast transport packets and the regulation of the encapsulation process of both these types of data packets so that both internet data and broadcast data can be received by a decoder in a digital broadcast system (*e.g.*, a digital television system) (*see* Specification, page 2).

More specifically, the method of assigning a medium access control (MAC) address to the decoder in the digital broadcast system is as follows. Initially, a MAC address request is sent from the decoder to the central transmission station. The MAC address request includes a fixed IP address used to identify the user of the digital broadcast system. Thus, the decoder is able to send the central transmission station an IP address, which is normally a unique network level address assigned by a network manager, to the central transmission station (*see* Specification, page 20, line 32 to page 21, line 2). Further, the MAC address request includes a type of service requested by the user (*i.e.*, unicast service, multicast service, or unicast non-connected) (*see* Specification, page 21, lines 8-10). Subsequently, in response to the MAC address request, the central transmission station sends a service address message back to the user. The service

address message includes a *dynamically* assigned MAC address, where the MAC address is assigned by the central transmission station based on the type of service requested by the user.

Turning to the rejection of the claims, for anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. As admitted by the Examiner on page 8 of the Office Action mailed August 4, 2005, Gotwald fails to teach or suggest dynamically assigning MAC addresses by a central control station in response to a request from a decoder or remote terminal. Thus, it is clear that amended independent claims 1 and 21 are patentable over Gotwald. Dependent claims 2, 3, 12, 17, 22, 23, 28, and 33 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 4, 5, 6, 7, 19, 24, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gotwald in view of U.S. Patent No. 6,219,355 ("Brodigan"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

With respect to independent claim 19, the Examiner admits that Gotwald fails to disclose or suggest dynamically assigning MAC addresses. However, the Examiner asserts that Brodigan discloses dynamically assigning MAC addresses to a decoder by a central transmission station. The Applicant respectfully disagrees. The cited portion of Brodigan discloses that a host digital terminal sends an address associated with a video server to a selection device. That is, Brodigan simply discloses relaying an address that is *already assigned* to the video server to the selection device. In fact, Brodigan does not even mention a MAC address, which is a specific hardware address that is well known in the art as being associated with the datalink layer of the Open

System Interconnection (OSI) networking model. Further, the host digital terminal of Brodigan does not dynamically assign anything. Rather, the host digital terminal only provides the address for the video server to the selection device. In the present invention, however, the MAC address for the decoder is dynamically assigned based on a type of service requested by a user (*see* Specification, page 22, lines 13-15).

In view of the above, it is clear that both Gotwald and Brodigan, whether considered separately or in combination, fail to render obvious amended independent claims 1, 19, and 21. Further, dependent claims 4, 5, 6, 7, 24, and 25 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Brodigan and further in view of U.S. Patent No. 6,459,427 ("Mao"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, neither Gotwald nor Brodigan disclose the limitations of amended independent claim 1. Further, Mao fails to supply that which Gotwald and Brodigan lack, as evidenced by the fact that the Examiner relies on Mao solely for the purpose of disclosing an address request message that includes an indication of whether the decoder wishes to receive messages in one of a unicast and a multicast mode (*see* Office Action mailed August 4, 2005, page 10). Thus, it is clear that claim 1 is patentable over Gotwald, Brodigan, and Mao, whether considered separately or in combination. Claim 8, which is dependent on claim 1, is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Brodigan in view of Mao, and further in view of U.S. Patent No. 6,272,127

("Golden"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As an initial matter, Applicant notes that various combinations of one or more of four references have been used in rejecting the claims of the present application. The purported reconstruction of the claimed invention by reliance on such a large number of references is not appropriate. It is abundantly clear that the Examiner, using the present application as a guide, has selected isolated features of the various relied-upon references to arrive at the limitations of the claimed invention. Use of the present application as a "road map" for selecting and combining prior art disclosures is wholly improper. *See* MPEP § 2143; *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132 (Fed. Cir. 1985) (stating that "[t]he invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time"); *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992) (stating that "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious This court has previously stated that 'one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.'"); *In re Wesslau*, 353 F.2d 238 (C.C.P.A. 1965) (stating that "it is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art").

Further, as described above, none of Gotwald, Brodigan, and Mao disclose the limitations of amended independent claim 1. Further, Golden fails to supply that which Gotwald and Brodigan lack, as evidenced by the fact that the Examiner relies on Golden solely for the

purpose of disclosing an address assignment message that includes a unique access control address for a unicast address request and a shared control address for a multicast address request (*see* Office Action mailed August 4, 2005, page 11). Thus, it is clear that claim 1 is patentable over Gotwald, Brodigan, Mao, and Golden, whether considered separately or in combination. Claims 9 and 10, which depend from claim 1, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Brodigan and further in view of PCT/FI96/00640 (“Hakulinen”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, neither Gotwald nor Brodigan disclose the limitations of amended independent claim 1. Further, Hakulinen fails to supply that which Gotwald and Brodigan lack, as evidenced by the fact that the Examiner relies on Hakulinen solely for the purpose of disclosing an address request message that includes a indication of whether the decoder will remain connected to receive data via a telecommunications network after the communication of the address request message (*see* Office Action mailed August 4, 2005, page 11). Thus, it is clear that claim 1 is patentable over Gotwald, Brodigan, and Hakulinen, whether considered separately or in combination. Claim 11, which is dependent on claim 1, is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 13 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Mao. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, neither Gotwald nor Mao disclose the limitations of amended independent claims 1 and 21. Thus, it is clear that claims 1 and 21 are patentable over Gotwald, and Mao, whether considered separately or in combination. Claims 13 and 29, which depend from claims 1 and 21, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 14 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Mao and further in view of U.S. Patent No. 6,314,111 ("Nandikonda"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, neither Gotwald nor Mao disclose the limitations of amended independent claims 1 and 21. Further, Nandikonda fails to supply that which Gotwald and Mao lack, as evidenced by the fact that the Examiner relies on Nandikonda solely for the purpose of disclosing an address assignment message that includes information regarding the data streams carried by a service and identifying the data stream containing the packetised data associated with the assigned access control address (*see* Office Action mailed August 4, 2005, page 13). Thus, it is clear that claims 1 and 21 are patentable over Gotwald, Mao and Nandikonda, whether considered separately or in combination. Claims 14 and 30, which depend from claims 1 and 21, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 15 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of U.S. Patent No. 6,611,537 ("Edens"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Gotwald fails to disclose the limitations of amended independent claims 1 and 21. Further, Edens fails to supply that which Gotwald lacks, as evidenced by the fact that the Examiner relies on Edens solely for the purpose of disclosing a central transmission station that dynamically controls which transport packet stream amongst a plurality of transport packet streams is used to carry encapsulated packet data addressed for a decoder (*see* Office Action mailed August 4, 2005, page 14). Thus, it is clear that claims 1 and 21 are patentable over Gotwald and Edens, whether considered separately or in combination. Claims 15 and 31, which depend from claims 1 and 21, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 16 and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Nanikonda. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, both Gotwald and Nanikonda fail to disclose the limitations of amended independent claims 1 and 21. Thus, it is clear that independent claims 1 and 21 are patentable over Gotwald and Nanikonda. Further, claims 16 and 32, which depend from claims 1 and 21, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 26 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Brodigan and further in view of Golden. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Gotwald, Brodigan, and Golden disclose the limitations of amended independent claim 21. Thus, it is clear that independent claim 21 is patentable over



Gotwald, Brodigan, and Golden. Further, claims 26 and 27, which depend from claim 21, are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345.035001).

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Respectfully submitted,

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